

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Cavan County

Planning Register Reference Number: 15/457

An Bord Pleanála Reference Number: PL 02.246980

APPEAL by Robert Butterly of Aghabane, Killeshandra, County Cavan against the decision made on the 8th day of July, 2016 by Cavan County Council to grant subject to conditions a permission to Fearghal O'Reilly care of Pauric Loughlin of Carn, Ballyconnell, County Cavan.

PROPOSED DEVELOPMENT: Retention of existing silage pit and dry bedded extension to existing slatted shed. Works to include retention of position of previously approved slatted shed, retention of entrance and associated site development works, all at Aghabane, Killeshandra, County Cavan, as revised by the further public notice received by the planning authority on the 17th day of June, 2016.

DECISION

REFUSE permission for the above proposed development based on the reasons and considerations set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

1. Having regard to the lack of adequate separation distance between the proposed development and the watercourse to the west, the private well serving the neighbouring property to the south, and the Cullies River which is identified as being of poor ecological status under the Water Framework Directive mapping and to the inadequate design details accompanying the application and appeal, inadequate evidence of measures to protect watercourses adjacent to the site and lack of evidence of good farm management practices and compliance with the Department of Agriculture Food and The Marine requirements, it is considered that the proposed development would be prejudicial to public health and would result in an unacceptable risk of environmental pollution. Accordingly, it is considered that to allow the development proposed for retention would be contrary to the proper planning and sustainable development of the area.
2. On the basis of the information provided with the application and appeal, the Board is not satisfied that the proposed development individually, or in combination with other plans or projects would not be likely to have a significant effect on the Lough Oughter and Associated Loughs Special Area of Conservation (Site Code 000007), or any other Natura 2000 site in view of the site's conservation objective. In such circumstances the Board is precluded from granting permission.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.